

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

MP7 Rec'd PCT TO 21 FEB 2006

#4

Atty's Dkt: YOUDIM1.1A

In re Application of:
Moussa YOUDIM et al
Serial No. 10/534,357
IA Filing Date: November 7, 2003
For: NEUROPROTECTIVE IRON CHELATORS AND ...

) Application Division
) ATTN: PCT
) Washington, D.C.
) Confirmation No. 4865
) Date: February 21, 2006

LATE SUBMISSION OF DECLARATION AND/OR TRANSLATION IN APPLICATION FILED UNDER 35 USC 371

U.S. Patent and Trademark Office
Customer Service Window
Randolph Building, Mail Stop Missing Parts
401 Dulany Street
Alexandria, VA 22314

Sir:

The present communication is in response to the "NOTICE OF MISSING REQUIREMENTS UNDER 35 USC 371..." dated -, 2004. Attached hereto is/are:

- [XX] An executed oath or declaration in compliance with 37 C.F.R. 1.63, identifying the present application by title and priority information.
[XX] A Preliminary Amendment [X] Fees are reduced due to reduction in number of claims.
[XX] Copy of the "Sequence Listing" in computer readable form (CRF) and statement that contents of the CRF are the same as the paper copy.
[XX] Additional fees as calculated below:

| | | |
|---|------------------------|-------------|
| [X] Search fee | | \$100.00 |
| [X] Examination fee | | \$200.00 |
| Surcharge of \$130.00 for furnishing the oath or declaration later than [] 20 [X] 30 months from the earliest claimed priority date (37 CFR 1.492(e)). | | \$130.00 |
| Number of each additional 50 pages or fraction thereof (round up to a whole number) | RATE | |
| 1 | X \$250.00 | \$250.00 |
| Number of Claims Previously Paid For | Number of Extra Claims | Rate |
| 119 - 20 = | 99 | X \$ 50.00 |
| 5 - 3 = | 2 | X \$200.00 |
| Multiple Dependent Claims (if applicable) | | + \$360.00 |
| TOTAL OF ABOVE CALCULATIONS | | \$6030.00 |
| Reduction of 1/2 for filing by small entity, if applicable. Applicant claims small entity status. See 37 CFR 1.27. | | <\$3015.00> |
| TOTAL NATIONAL FEE | | \$3015.00 |

- [] Surcharge for late filing of the Declaration was paid on _____
[XX] It is hereby petitioned for an extension of time in accordance with 37 C.F.R. 1.136(a). The appropriate fee required by 37 C.F.R. 1.17 is calculated as shown below:

| Small Entity | | |
|-----------------------|---|------------|
| Response Filed Within | | |
| [X] First | - | \$ 60.00 |
| [] Second | - | \$ 225.00 |
| [] Third | - | \$ 510.00 |
| [] Fourth | - | \$ 795.00 |
| [] Fifth | - | \$1,080.00 |

| Other Than Small Entity | | |
|-------------------------|------------|------------|
| Response Filed Within | | |
| [] First | - | \$ 120.00 |
| [] Second | 02/29/2006 | \$1,020.00 |
| [] Third | - | \$1,020.00 |
| [] Fourth | 01 FC:2641 | \$1,590.00 |
| [] Fifth | - | \$2,160.00 |

[XX] Total fees enclosed: \$3,075.00

[XX] Credit Card Payment Form, PTO-2038, authorizing payment the amount of \$3,075 .00 is enclosed to cover the above fees.
[XX] Conditional Petition for Extension of Time:

If any extension of time for a response is required, applicant requests that this be considered a petition therefor.
[XX] The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific payment authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR 1.16 and all patent processing fees under 37 CFR 1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR 1.18.

02/23/2006 LLANDGRA 00000023 024035 10534357

01 FC:2633 100.00 OP
02 FC:2642 200.00 OP
03 FC:2617 65.00 OP
04 FC:2681 125.00 OP
05 FC:2615 2475.00 OP
06 FC:2614 110.00 OP

2614
62

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant(s)

By:

Roger L. Browdy

Registration No. 25,618

REC'D PCT/PTO

21 FEB 2006

BENSA

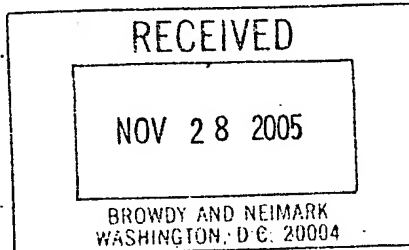


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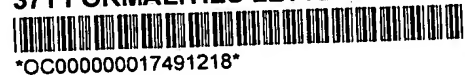
| | | |
|---|--|----------------------------------|
| U.S. APPLICATION NUMBER NO. 10/534,357 | FIRST NAMED APPLICANT Moussa Youdim | ATTY. DOCKET NO. YOUDIM1.1A ✓ |
|---|--|----------------------------------|

001444
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| | |
|---|-----------------------------|
| INTERNATIONAL APPLICATION NO. PCT/IL03/00932 | |
| I.A. FILING DATE 11/07/2003 | PRIORITY DATE 11/07/2002 |

CONFIRMATION NO. 4865
371 FORMALITIES LETTER



OC000000017491218

Date Mailed: 11/21/2005

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 05/09/2005
- Copy of the International Search Report filed on 05/09/2005
- Preliminary Amendments filed on 05/09/2005
- Information Disclosure Statements filed on 05/09/2005
- Biochemical Sequence Listing filed on 05/09/2005
- Request for Immediate Examination filed on 05/09/2005
- U.S. Basic National Fees filed on 05/09/2005
- Priority Documents filed on 05/09/2005
- Specification filed on 05/09/2005
- Claims filed on 05/09/2005
- Drawings filed on 05/09/2005
- Paper nucleotide sequence listings filed on 05/09/2005

DOCKETED 11/28
MSP 1/21/06

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of **\$3225** as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$3565** for a Small Entity:

- **\$65 Surcharge.**
 - A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.
 - The specification and drawings contain more than 100 pages. Applicant owes **\$125** for **46** pages in excess of **100** pages for a small entity in compliance with 37 CFR 1.27.
 - The application search fee has not been paid. Applicant must submit **\$50** to complete the search fee. Note a surcharge will be required if submitted later than commencement of the national stage (37 CFR 1.492(h)) and the basic national fee was not paid before July 1, 2005.
 - The application examination fee has not been paid. Applicant must submit **\$100** to complete the examination fee for a small entity in compliance with 37 CFR 1.27. Note a surcharge will be required if submitted later than commencement of the national stage (37 CFR 1.492(h)) and the basic national fee was not paid before July 1, 2005.
- Total additional claim fee(s) for this application is **\$ 3225**
 - **\$700** for **7** independent claims over 3.
 - **\$2525** for **101** total claims over 20.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- For Rules Interpretation, call (571) 272-0951
- For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patentin Software Program Help @ ebc@uspto.gov

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

JOHN L ANDERSON

Telephone: (703) 308-9140 EXT 211

PART 1.- ATTORNEY/APPLICANT COPY

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 10/534,357 | PCT/IL03/00932 | YOU DIM1.1A |

FORM PCT/DO/EO/905 (371 Formalities Notice)